CR No.418 of 2001.

21.05.2007 Present: Mr.Anand Sharma, Advocate, for the petitioner.

Ms.Devyani Sharma, Advocate, for the respondent.

This revision petition has been filed by the petitioner-defendant against the order passed by the learned Additional District Judge, Solan, dismissing the appeal preferred by the petitioner against the order passed under Order 39 Rule 2-A of the Code of Civil Procedure by the learned trial Court holding the petitioner guilty of disobedience of interim injunction which has been issued.

Civil Suit No.302/1 of 1996, in which the order was passed, has since been dismissed by the learned trial Court. Learned counsel for the petitioner has produced the certified copy of the judgment which is taken on record.

In these circumstances, this revision petition is accepted and the orders of both the learned Courts below are set aside. It is clarified that in case any disobedience of injunction has been made by the petitioner resulting in the infringement of the rights of the respondent-plaintiff, the question will be left open for determination in the appeal, if any which has been preferred. The revision petition is disposed of. There shall be no order as to costs.

May 21, 2007 **(Dev Darshan Sud)**
(aks) **Judge**